

**FISH AND WILDLIFE SERVICE
REFUGE MANAGEMENT**

Refuge Management

Part 605 Wildlife-Dependent Recreation

Chapter 3 Recreational Fishing

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3.1 What is the purpose of this chapter? This chapter provides the Service's policy governing the management of recreational fishing programs on units of the National Wildlife Refuge System (Refuge System). In an effort to avoid redundancy, we have placed critical information and guidance for all wildlife-dependent recreation (hunting, fishing, wildlife observation and photography, environmental education and interpretation) in 605 FW 1. Read 605 FW 1 with this chapter for complete information for planning and implementation purposes.

3.2 What is the scope of this chapter? The policies contained in this chapter apply to recreational fishing programs within the Refuge System. See 605 FW 1 and other chapters and regulations governing policies, guidelines, and procedures for additional information.

3.3 What is our policy regarding fishing in the Refuge System?

A. The overarching goal of our wildlife-dependent recreation policy is to enhance opportunities and access to quality visitor experiences on refuges and to manage the refuge to conserve fish, wildlife, plants, and their habitats (see 605 FW 1.6). We recognize fishing as a traditional outdoor pastime that is deeply rooted in America's natural heritage.

B. Fishing is an appropriate use of the Refuge System when compatible. It is also considered a priority general public use of the Refuge System and should receive enhanced consideration over nonpriority uses. We strongly encourage refuge managers to provide visitors quality fishing opportunities when compatible. Refuge managers follow the biological integrity, diversity, and environmental health policy (601 FW 3) when addressing fish stocking. Fishing programs promote understanding and appreciation of natural resources and their management on all lands and waters in the Refuge System. The Service's Division of Fish and Wildlife Management and Habitat Restoration has many field offices with a broad range of expertise that are available to the refuge manager when planning and managing fishing programs. Refuge managers should take advantage of this important resource. We rely on close cooperation and coordination with State fish and wildlife management agencies to develop and manage fishing opportunities on refuges and in setting refuge fish population management goals and objectives. Regulations permitting fishing within the Refuge System must be, to

the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans. We encourage refuge staff to develop and take full advantage of opportunities to work with partners who have an interest in helping us promote quality fishing programs on refuges.

3.4 What are the guiding principles of the Refuge System's fishing programs? The guiding principles of the Refuge System's fishing programs are to:

A. Effectively maintain healthy and diverse fish communities and aquatic ecosystems through the use of scientific management techniques;

B. Promote visitor understanding of, and increase visitor appreciation for, America's natural resources;

C. Provide opportunities for quality recreational and educational experiences consistent with criteria describing quality found in 605 FW 1.6;

D. Encourage participation in this tradition deeply rooted in America's natural heritage and conservation history; and

E. Minimize conflicts with visitors participating in other compatible wildlife-dependent recreational activities.

3.5 What authorities allow us to support fishing in the Refuge System? See 605 FW 1.3 for laws and Executive orders that govern fishing in the Refuge System.

3.6 What do these terms mean?

A. Live Bait. Any live aquatic organism used to catch target fish.

B. Naturalized. Any nonnative species not classified as invasive that, as a result of a human introduction, is established and is reproducing in a particular watershed. Generally, we will refer to the appropriate State's definition of naturalized. Refuge managers follow the biological integrity, diversity, and environmental health policy (601 FW 3) when addressing fish stocking.

C. Nonnative. Any species that is not historically or currently part of a particular ecosystem except as the result of an introduction.

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D. Open to Public Fishing. An area where we allow fishing by any individual holding, if required, a valid license, permit(s), stamp(s) or other documents allowing the taking of a specific species of fish in the Refuge System. Areas open to fishing may differ from areas open to the general public for other activities.

E. Tournament Fishing. An event where the fishing is organized and coordinated in the Refuge System and waters primarily for the purpose of competition for monetary or other prizes.

F. Unattended Tackle. Any fishing hook(s), device(s), or line(s) that is not handheld or not attached to a fishing rod, reel, or pole under the immediate control of the user (excluding rod and pole holders and ice fishing tip-ups), and any fishing tackle designed, rigged, floated, or tied off for the purposes of catching fish while “unattended” by the fishing visitor (e.g., trotlines, setlines).

3.7 How do we manage refuge fishing programs?

We plan, manage, conduct, and evaluate refuge fishing programs in coordination with State fish and wildlife agencies on a consistent basis in ways that conserve habitat and fish and wildlife, ensure angler and visitor safety, comply with applicable State and Federal laws and regulations, and promote respect for the resource. In addition, our regulations need to be consistent, to the extent practicable, with State regulations. Fishing on refuges should strive to meet the criteria of a quality wildlife-dependent recreation program as defined in section 605 FW 1.6. The following guidelines should help ensure that quality fishing opportunities are available:

A. Barbless Hooks. The use of barbless hooks can reduce fish handling time for certain species of fish intended for release. We encourage refuge managers who manage specific programs that are “catch and release” fishing to take the lead, where appropriate, in introducing barbless hook methods to anglers in brochures, on signs, and in other information sheets in those areas where fisheries will benefit.

B. Communication Materials. Refuge managers can benefit from professionally developed outreach materials that provide clear and thorough information to anglers. Brochures must conform to Service Graphics Standards and be consistent with refuge-specific regulations. Refuge managers do not need to include regulations and dates that are identical to State seasons in the refuge brochure. Refuge managers

should ensure refuge brochures include information that encourages anglers to fish safely, comply with applicable State and Federal laws and regulations, and employ techniques that reduce injury to released fish. We encourage refuge managers to use both print and electronic media, such as the Internet, to distribute information. Refuge managers should work with Regional and California/Nevada Operations Office (CNO) staff to ensure all communications products meet approved standards and guidelines.

C. Fees. The refuge manager makes the decision to charge a fee in coordination with the Regional/CNO office. We have the authority to charge fees for applications, refuge permits, and the use of facilities (e.g., boat ramps) under existing recreation fee programs. We use fees collected to enhance and maintain fishing programs. The authority under which we collect fees stipulates how we may use the monies. The Regional/CNO fee coordinator can assist with the approval of fees.

D. Fishing by Service Employees. Service employees are subject to the same rules and regulations as the general public. If limited fishing opportunities exist, refuge managers should discuss with Service employees the need to be sensitive to possible visitor perceptions of favoritism. Personnel may not fish in areas that are not available to the general visitor. This policy does not apply to the collection of fish by refuge staff for the purpose of monitoring specific fish populations.

E. Ice Fishing. Refuge managers should encourage ice fishing where it is compatible and can be safely conducted. We discourage the use of long-term structures on refuge waters. We may only approve the use of these structures if the use is appropriate and compatible.

F. Live Bait Methods. Use of throw nets, minnow traps, and other means/methods of taking natural bait will comply with State regulations unless we list more restrictive measures in the refuge-specific regulations. We will limit bait collection on refuges to the recreational harvest of live bait for personal use only (except as provided in legislation for subsistence and commercial use under the Alaska National Interest Lands Conservation Act (ANILCA)).

G. Night Fishing. If a refuge is generally not open after sunset, refuge managers may make an exception and allow night fishing. Refuge managers must base

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the decision on specific refuge objectives, and not historic use. See 605 FW 1.9B for additional information on after-hours activities.

H. Nonnative Bait. We generally prohibit the use of live, nonnative aquatic bait on Refuge System waters where we have jurisdiction. We will also generally refer to the individual State's regulations on the use of naturalized bait for Refuge System waters.

I. Permits. We require anglers to have all applicable Federal, State, and tribal licenses, permits, and/or stamps in their possession. We can issue refuge permits to limit access, regulate methods of take, or gather information. If we use refuge fishing permits to limit angler numbers, we will issue them on a fair and equitable basis, such as using lotteries or issuing permits based on order of receipt. We coordinate with State and tribal application and lottery processes where practicable. Application processes should be flexible and fair to provide an opportunity to all potential anglers. Under ANILCA, Congress gives qualified rural residents preference to harvest fish, wildlife, and other resources for subsistence on Alaskan refuges.

J. Refuge Law Enforcement. Refuge law enforcement ensures legal use of fish and wildlife resources on refuges, as prescribed by law. We use refuge law enforcement to obtain compliance with laws and regulations necessary for proper administration, management, and protection of facilities of the Refuge System. The refuge law enforcement effort should be sufficient to protect human safety and fish populations, ensure compliance with regulations, and based on past experiences and current circumstances.

K. Special Events. We encourage refuge managers to set aside areas or times to promote fishing by youths, individuals with disabilities, or underrepresented groups. Refuge managers should take advantage of special events as opportunities to educate young anglers and their parents about the importance of fisheries management and the role of the Refuge System.

L. Special Regulation Fishing. We may offer special opportunities to a limited number of anglers in cases where there is a relatively small area of water to fish or we have a relatively low harvestable surplus of fish. Refuge managers may introduce a special use permit system in such cases.

M. Tournament Fishing. Well-planned fishing tournaments can promote recreational fishing opportunities on refuges and be a source of conservation information and education for the angler. We allow tournament fishing in the Refuge System when we make a determination that the event is compatible with refuge purpose(s) and the Refuge System mission. When issuing special use permits for fishing tournaments, refuge managers must consider the potential disturbance to wildlife and habitat and conflicts with other refuge visitors. A number of recreational fishing and conservation organizations have extensive experience planning fishing tournaments that avoid or minimize these potential conflicts. They can be valuable partners in planning compatible fishing tournaments. We use techniques such as limiting the number of participants, designating parking spaces for tournament participants, zoning areas for tournament fishing, limiting the number of tournament events, creating no-wake zones, and enforcing speed limits to plan successful tournaments. We strongly encourage refuge managers to consult State fish and wildlife conservation agencies and other conservation partners when considering and developing permit conditions for tournament fishing events. See the compatibility policy (603 FW 2) for additional information. This policy covers organized fishing tournaments and does not apply to small groups of family and friends that may organize informal fishing competitions that otherwise comply with all applicable Federal and State laws and regulations.

N. Unattended Tackle. We may allow the use of trotlines, setlines, gillnets, giglines, jug lines, soap lines, snaglines, and other unattended tackle if authorized by State fishing regulations and found to be compatible with refuge objectives. If implemented, we must strictly monitor the unattended tackle program, document the results, and assess the opportunity for future use. The only exception to this policy is found in ANILCA under subsistence uses.

O. Zoning Recreational Use. We can use zoning of tackle, boat types, or motor horsepower to help achieve a balance of allowed uses and to reduce conflicts between anglers and other users. We can also use zoning to provide less competition for youth fishing events and provide opportunities for anglers with disabilities and those using methods that reduce fish mortality, such as catch and release.

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3.8 How do you open a refuge to fishing? The refuge manager must submit a compatibility determination on fishing programs as described below:

A. To initiate or expand fishing programs, the Service must publish in the Federal Register any proposed and final refuge-specific regulations pertaining to that use prior to implementing or publishing them in refuge fishing brochures or other public documents. These regulations may include an entirely new fishing program, a new species not addressed in a previous opening package, or a new area(s) open to fishing not addressed in a previous opening package. Opening packages for new species or new areas may be waived only if the refuge manager makes an affirmative finding that all other policy requirements for compatibility, the National Environmental Policy Act (NEPA), the Endangered Species Act section 7 evaluation, etc., have been fully satisfied. Refuge-specific regulations must be supported by an approved opening package containing the elements described below. It must contain detailed information the public needs to know to avoid violating refuge rules. Use of signs and brochures may supplement the final refuge-specific regulations to notify the public of the final refuge-specific regulations. Refuge managers must forward all opening packages to the Regional Director/CNO Manager for approval before submission to the Refuges Federal Register liaison in Headquarters. The refuge is officially open to public fishing only after the effective date of the final rule (50 CFR 32.4), except in Alaska, where under ANILCA the refuge is automatically open to fishing activities. These regulations are only one element of a complete opening package, which is comprised of the following documents:

- (1) Fishing chapter of the visitor service plan (VSP);
- (2) Compatibility determination, which must include analysis of the availability of resources with which to administer the use;
- (3) NEPA documentation (categorical exclusion, environmental assessment, or environmental impact statement);
- (4) Appropriate decision document (e.g., finding of no significant impact or record of decision);
- (5) Endangered Species Act section 7 evaluation;

(6) Copies of letters requesting State and, where appropriate, tribal involvement and the results of the request;

(7) Draft news release;

(8) Outreach plan; and

(9) Draft refuge-specific regulations.

B. Refuge managers must annually review their refuge-specific fishing regulations and the VSP to ensure continued compatibility and consistency of the visitor services program with existing laws and regulations. Refuge managers must submit any refuge-specific amendments (additions, deletions, or modifications) each year to their Regional/CNO office for review and notification of State fish and wildlife agencies when there are differences from State regulations. Major revisions in the VSP (e.g., addition of a new fishing activity) will be in the form of an amendment to the VSP. Refuge managers handle preparation and approval of amendments to the VSP the same as preparation and approval of the plan itself. Refuge managers should not submit changes for inclusion in the rulemaking process unless they have all approvals and other required documents. After Regional Director/CNO Manager approval, the Regional/CNO office sends that information to the Refuges Federal Register liaison in Headquarters, with the refuge-specific language, for inclusion in the rulemaking documents for publication in the Federal Register. We cannot publish a refuge opening without the complete opening package. Refuge-specific regulations should be standard and consistent in format throughout the Refuge System. The Refuges Federal Register liaison in Headquarters must receive this information by January 31 each year, unless otherwise requested by the Director, to allow sufficient time for compilation and review by affected Service program offices and the Office of the Solicitor. After receiving approval from these offices, the Headquarters Federal Register liaison will submit the proposed rule to the Director for approval. After required Departmental approval(s), we publish the proposed rule in the Federal Register with a 30-day public comment period. We include guidelines for preparing and submitting regulations and amendments below and in Exhibit 1.

(1) Guidelines for preparation of refuge-specific fishing regulations. There are three primary purposes for compliance with fishing regulations on

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refuges: conserving the resource, assisting in managing the resource, and ensuring safety. Generally, State fishing regulations provide the framework for meeting these three primary purposes. Refuge managers will make every effort to exhaust the State regulatory process. However, if State regulations do not completely address these criteria, refuge-specific regulations may be necessary. These regulations should focus primarily on management of the fish and wildlife resource and be enforceable. For example, if we require permits on a specific refuge, a statement that we require special refuge permits is all that is necessary. It is not appropriate to include details in the regulations. Address details in a leaflet or the permit application. Do not submit regulatory text for the refuge unless it represents a change to the existing language in 50 CFR 32. If you are adding conditions to those already published, state that these are additions and indicate where you want them inserted in the regulatory text. The refuge manager should work cooperatively with State fish and wildlife agencies to develop and implement refuge-specific regulations.

from the State's in the refuge-specific regulations. Please use the example in Exhibit 1 for your submission for changes or additions to 50 CFR 32.

/sgd/ H. Dale Hall
DIRECTOR

Date: January 20, 2006

(2) Duplication of existing 50 CFR provisions.

When writing regulations, check 50 CFR to avoid duplication. For example, section 27.31, restricts motor vehicles to "designated routes of travel . . . delineated on maps by the refuge manager;" section 27.95 prohibits setting fires; and section 32.2(j) addresses possession of alcohol.

(3) Duplication of State regulations.

50 CFR 32.5(c) states "Each person shall comply with applicable provisions of the laws and regulations of the State wherein any area is located unless further restricted by Federal law or regulation." Further, 50 CFR 32.6(c) states "Refuge-specific fishing regulations will not liberalize existing State laws and regulations." Therefore, do not repeat State creel limits, seasons, hours, etc., in the refuge-specific regulations where the State has concurrent jurisdiction. Refuge managers will address why refuge-specific regulations deviate from State laws and regulations in a cover memo to the appropriate Regional/CNO office representative and communicate the same information to the appropriate official in the State fish and wildlife agency. The preamble to the regulation should also include these explanations.

(4) Preparation of refuge-specific regulations. List tackle limits, creel limits, seasons, and hours that differ

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